

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 13-111 S
)	
DAVID LASSEQUE,)	
Petitioner.)	
_____)	

MEMORANDUM AND ORDER

WILLIAM E. SMITH, Chief Judge.

This matter is before the Court on two motions filed by Defendant David Lasseque: a motion for an extension of time to file a reply to the Government's response in opposition to his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (ECF No. 108); and a motion for transcripts (ECF No. 109). The Government has filed a response (ECF No. 110) to the motions. For the reasons stated herein, the Court GRANTS the motion for extension of time and GRANTS IN PART AND DENIES IN PART the motion for transcripts.

I. Motion for Extension

This is Lasseque's second request for an extension of time in which to file his reply. His first (ECF No. 106) was granted by text order on November 26, 2016.

Lasseque represents that he was transferred to the Federal Correctional Institution ("FCI") in Berlin, New Hampshire, on

January 19, 2017, and that, as of the date of the filing of the motions (January 30, 2017), his paperwork and property had not yet arrived. He has included a certification from an official at FCI Berlin confirming that he had not received his property as of January 26, 2017. Due to these circumstances, Lasseque requests a ninety-day extension to file his reply.

The Government does not object to the motion for extension. (Gov't Resp., ECF No. 110.) Accordingly, the Court GRANTS the motion. However, because over a month has elapsed since Lasseque filed the motion for extension, the Court will grant him sixty days from the date of this Order in which to file his reply. Lasseque is cautioned that his reply memorandum "shall consist only of a response to [the Government's] objection and shall not present additional grounds for granting the motion, or reargue or expand upon the arguments made in support of the motion." DRI LR Cv 7(b)(2).

II. Motion for Transcripts

Lasseque seeks the following: the transcript of his August 23, 2013, arraignment; the transcript of the June 3, 2014, empanelment; and the grand jury minutes that are available for release from his indictment.

With respect to the grand jury minutes, the Government states that it has already provided Lasseque with two transcripts from

grand jury proceedings in this matter. (Gov't Resp. 1.) It further states that it will provide duplicate copies of those transcripts, which reflect the testimony of Special Agent Medeiros. The Government, however, objects to disclosure of the transcript of Special Agent Fessel's testimony, which was not provided previously since Special Agent Fessel was not called as a witness at Lasseque's trial. (Id. at 2.) Lasseque has not shown a need for that particular transcript, nor does it appear related to the grounds raised in his motion to vacate.

Therefore, the Court GRANTS the motion for transcripts to the extent that the Government shall, if it has not already done so, provide Lasseque with duplicate copies of the transcripts of the grand jury testimony of Special Agent Medeiros. The motion for transcripts is DENIED as to the transcript of Special Agent Fessel's grand jury testimony.

Turning to Lasseque's request for the transcripts of his arraignment and the empanelment of the jury, the Docket in this case reflects that said transcripts were not previously requested. Therefore, those proceedings would have to be transcribed. The Court sees no need to order transcription of the arraignment and empanelment at Court cost, because transcripts of those proceedings are not needed to decide the issues raised in the motion to vacate. See 28 U.S.C. § 753(f). Accordingly, the motion

for transcripts is DENIED as to transcripts of the arraignment and empanelment.

IV. Conclusion

Lasseque's motion for extension of time (ECF No. 108) is GRANTED to the extent that he shall have sixty (60) days from the date of this Order in which to file his reply to the Government's response to his § 2255 motion.

Lasseque's motion for transcripts (ECF No. 109) is GRANTED as to copies of the two transcripts the Government has already provided and DENIED in all other respects.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'WESmith', is written above a horizontal line.

William E. Smith
Chief Judge
Date: March 9, 2017